

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CRIMINAL NO. 05-cr-30050-MAP
	)	
	)	
MIGUEL LOZADA,	)	
Defendant.	)	

THE GOVERNMENT'S AND THE DEFENDANT'S STATUS  
REPORT PURSUANT TO LOCAL RULE 116.5(C)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, through the undersigned assistant U.S. Attorney, hereby submits the following status report pursuant to Local Rule 116.5(C) and Magistrate Judge Neiman's written orders. This report was faxed to Attorney Perman Glenn on January 26, 2006.

1. The government has provided automatic discovery to the defendant pursuant to Fed.R.Crim.P. 16 and Local Rules 116 and 117 of the District of Massachusetts. The government has also filed its response (Dkt. # 20) to the Defendant's initial discovery request (Dkt. #18). The parties have not been able to resolve their differences on what amounts to discoverable information in this case, and the parties request a hearing on the matters

2. The Defendant has announced that he intends to raise an entrapment defense. The Defendant has not announced whether he intends to raise either an insanity defense nor a defense of public authority.

3. The Defendant will not forward an alibi as a defense to the indictment.

4. Counsel for Defendant is not yet certain as to whether he will file any motion to dismiss, or suppress on behalf of the Defendant.

5. The parties agree that the time from the initial status date, November 21, 2005, through January 27, 2006 is excludable from the Speedy Trial Act in the interests of justice pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1),(2), and (3). Counsel has needed this time to review the Government's evidence with the Defendant and to fashion discovery and pretrial motions. In addition, the parties have needed this time to proceed in a manner as set forth in the sealed motion to continue (Dkt. # 17), Accordingly, the government requests that the Court issue an order indicating that the time from initial appearance to the present is excludable pursuant to Local Rule 112.2(B).

6. The parties are unclear at present whether this case will be resolved pursuant to a trial or a change of plea.

7. The parties agree that it is premature for a motion date to be established under Fed.R.Crim.P. 12©. The parties agree that it is appropriate to schedule a pretrial conference at this time.

Filed this 26<sup>th</sup> day of January, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul Hart Smyth

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Paul Hart Smyth  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
January 26, 2006

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing to Attorney Perman Glenn, 1163 Main Street, Springfield, MA on January 26, 2006.

/s/ Paul Hart Smyth  
Paul Hart Smyth  
Assistant U.S. Attorney